

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No. 18-20719-10  
Honorable Thomas L. Ludington

D-10 MACH ADAM MCCLAIN,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, ACCEPTING  
DEFENDANT'S PLEA OF GUILTY, AND TAKING THE RULE 11 PLEA  
AGREEMENT UNDER ADVISEMENT**

On November 5, 2019, United States Magistrate Judge Patricia T. Morris conducted a plea hearing pursuant to Defendant McClain's consent. That same day, the magistrate judge issued her report recommending that this Court accept Defendant's plea of guilty. ECF No. 277. Although the magistrate judge's report explicitly stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections.

After the time to file objections had passed, Defendant's attorney, Christopher McGrath, filed a motion to withdraw as Defendant's counsel. ECF No. 320. The motion was granted and Defendant was appointed new counsel, Attorney Charles O. Longstreet II. The deadline to file objections to Judge Morris's report was extended to December 27, 2019. ECF No. 327. Neither party filed objections.

The failure to file objections waives any right to appeal the magistrate judge's findings that Defendant was competent to enter a plea, and that the plea was entered knowingly, voluntarily,

without coercion, and with a basis in fact. *See* Fed. R. Crim. P. 11(b); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the Judge Morris's Report and Recommendation, ECF No. 281, is **ADOPTED**.

It is further **ORDERED** that Defendant's plea of guilty is **ACCEPTED**, and the Rule 11 Plea Agreement, ECF No. 277, is taken **UNDER ADVISEMENT**.

Dated: January 31, 2020

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge